

# **MINUTES**

## **252nd Meeting Contractors' Registration and Licensing Board October 13, 2010**

**(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:40 PM.**

**(B) Approval of the agenda and order of business was accepted on a motion by Mr. Art Salisbury seconded by Mr. Dave Caldwell.**

**(C) The minutes of the 251st meeting were approved on a motion by Mr. Arthur Salisbury and seconded by Mr. Richard Welch.**

**(D) Court Case Update:**

**Contractors' Registration & Licensing Board: September/October 2010**

**Funds Collected Via AG Prosecution or Settlement Agreement**

**Defendant Fine Restitution Victim**

**Ogilvie \$160 Zeigelmayer**

**Marr \$40 Lamphere**

**Steve Izzì \$500 Procaccini**

**Giordani \$1000 Blais**

**Bourgeault \$2,889.33 Varadian**

**Mercurio \$200 Evans**

**TOTAL \$ \$4,789.33**

**Total fines and restitution: \$4,789.33**

**Contractors' Registration & Licensing Board: September/October  
2010**

**Court Ordered Dispositions**

**Defendant Fine Restitution Victim**

**Alan Henry \$9,000.00 Zuendoki**

**A. Morris Williams \$402.50 Johnson**

**A. Morris Williams \$114,477.88 Hurst**

**A. Morris Williams \$13,950.00 Shays**

**A. Morris Williams \$10,125.00 Hanrahan**

**David Wilcox tbd (bogosian)\$4225.00 Pingitore**

**David Wilcox " \$6500.00 Wilkinson**

**David Wilcox " \$1525.00 Crouch**

**Myles Costello \$1,675.00 Ordway**

**TOTAL \$ \$152,880.38**

**Total fines and restitution: \$152,880.38**

**Warrants issued:**

**John Hoegen 19148**

**Steve Izzi 10675**

**Paul MacDonald (surrendered) 27636**

**(E) Consideration of Cases on Appeal and Oral Argument:**

**1.) 12:40 PM, Claim # 7170, Salvatore vs. Boillard, registration #22075; Motion to**

**vacate final order regarding REVOKED registration and fines. The homeowner showed**

**at the June Appeal, but the contractor who filed the motion failed to attend. The Board**

**listened to the homeowners concerns and a motion was made by J. Larry Brillion and**

**seconded by Felix Carlone not to vacate the order and fines assessed in the order.**

**Motion carried unanimously. Contractor filed request to re-review this matter and his**

**motion to vacate. Upon review, noting that the homeowner wasn't present, a motion**

was made by the chair, Felix Carlone, to vacate the order and reduce the fines to

\$2,500.00 with a \$200.00 per month payment plan. Registration would be

conditionally reinstated only for masonry work and the violation issued would be

removed as long as evidence is submitted to the Board that the insurance policy the

Respondent had in effect paid the Claimant. Motion was seconded by Richard Welch

and the motion carried unanimously. Tom Furey recused from hearing this matter and

left the room. This matter was continued again until next month and parties are to be

re-notified of time and date. Motion by Richard Welch, and seconded by Dave

Caldwell, motion passed unanimously.

Board listened to both parties who were in attendance at this Board meeting for

reconsideration of the decision previously rendered. Mr. Boillard presented

information from his insurance carrier that the matter was still under consideration.

Both parties presented information to the Board for consideration as well as testimony.

After the matter was fully explained and the claimant informed the

**Board of his refusal**

**to accept the offer from the insurance company a motion was made by Mr. Ladouceur a**

**and seconded by Richard Welch to vacate the decision on the board of the final order**

**reinstating the contractor's registration conditionally and have the original order remain**

**in effect. Motion carried unanimously so the original order issued by the Board will**

**remain in effect and matter will be pursued if a settlement / resolution is not effectuated.**

**2.) 1:00 PM, Claim #7210, Dyer vs. Warhurst, Warhurst Builders, LLC, registration**

**#29566, Motion to Vacate the Final Order in Claim #7210 filed by the Respondents**

**Attorney. This matter was continued again until next month and parties are to be**

**re-notified of time and date. Motion by Steve Gianlorenzo, and seconded by Edgar**

**Ladouceur, motion passed unanimously. The Board heard the motion to vacate the**

**Final Order issued by the Board after waiting for the Respondents attorney to present**

case. The attorney explained to the Board that his client was out of state and would

not be able to attend this hearing and requested that a continuance be granted so his

client could attend. The homeowner was present and waited patiently for the case to

be heard. The vice-chairman, Edgar Ladouceur, felt that another continuance

especially at this time should not be granted and the Board should hear this case. A

second was rendered by the chair, Felix Carlone and the motion was called and the

Board voted unanimously to deny the request for continuation. The attorney for the

Respondent presented his request to vacate the final order and the homeowner refuted

his request and asked that the Board deny such action. Upon discussion and review

of the claim a motion was made by Richard Welch not to vacate, and seconded by

Larry Brillon. Motion was called by the chair and unanimously agreed not to vacate

the Final Order. The order as issued remains in effect and Board will go forward

with prosecution of this claim.

**3.) 1:20 PM, Claim #7304, Smith vs. Lombardi, Sr., exceptions filed by Respondent's Attorney. At the request of the Respondent's attorney this matter was continued until next month for consideration.**

**4.) 1:40 PM, Claim #7320, Lefebvre vs. Boisse, exceptions filed by the Respondent.**

**The Board reviewed the exceptions filed by the RESPONDENT at its October 13, 2010**

**Board meeting and listened to both parties present their cases. Upon review of the file**

**and information provided, a motion was made by Edgar Ladouceur and seconded by**

**Felix Carlone to modify the decision rendered by the hearing officer and to consolidate**

**problems with the job into this one matter. Both parties were in agreement of this**

**in order to resolve the claim and the Board unanimously approved the motion.**

**Therefore; based on the testimony & evidence presented at the administrative hearing,**

**and the stipulation to consolidate the items to avoid filing of a new claim, the**

**RESPONDENT, Eric Boisse, Boisse's Home Improvement, LLC, registration #30340,**

**is ORDERED to pay the CLAIMANT, Tina Lefebvre, the amount of**

**\$3,000.00.**

**Payments will be in the form of a certified check or money order to the Claimant in the**

**amount of \$500 per month starting on November 10, 2010 and continuing each**

**consecutive month until the \$3,000.00 amount owed is paid in full.**

**Failure to make**

**any one payment will result in the full balance being due and fines in the amount of**

**\$10,000.00 being assessed against the RESPONDENT for violating Rhode Island**

**General Law's 5-65-10 (a) (11): Breach of contract, 5-10(a) (12): Negligent & Improper**

**work, 5-65-18, 5-65-3(p), 5-65-22: Contractual requirements & Rhode Island**

**Contractors' Registration and Licensing Board Rules & Regulations 4.4(14): Fail to**

**show up for a hearing. Additionally the RESPONDENTS registration # 30340 would be**

**SUSPENDED until such time as this ORDER is fulfilled. If the RESPONDENT**

**complies with the payment plan established, the Board will reduce the fine to \$1,000.00**

**with payments established after the CLAIMANT is made whole. The parties agreed that**

**no further claim will be filed regarding the installation of the ridge**



**vent.**

**5.) 2:00 PM, Claims #7115, & 7282 Medeiros/Jackson vs. Coulombe, Southern NE Custom Kitchens; Motion to Vacate Final Order filed by the Respondent, 21528. This matter was continued until next month.**

**6.) 2:10 PM, File #7440, Michael Coogan, Registration # 19518, Motion to Vacate NRB Violation. This matter was continued.**

### **EXPUNGEMENTS:**

**1.) 2:15 PM, Norbury Construction Co. Inc., Registration # 5345, Expungement of**

**Claim #6717. The Board reviewed the information provided by the Claimant in this**

**matter and then listened to the Contractor present his case regarding the issue. After**

**listening to the contractor and reviewing the matter a motion was made by Ed**

**Ladouceur and seconded by Felix Carlone to remove the claim from the contractors**

**record. This motion passed unanimously.**

**2.) 2:20 PM, Shawn Marie Norton, Registration #23755, Expungement of Violation**

**#3618, Insurance violation. Contractor presented case in regard**

to violation and a

motion was made by Felix Carlone and seconded by Steve Gianlorenzo to remove violation. Motion carried unanimously.

3.) 2:25 PM, Kevin Wright, Registration #6878, Expungement of Violation #4611

Insurance, and claim #927. The contractor failed to show and a motion was made by

Felix Carlone and seconded by Ed Ladouceur to Deny the request for expungement on both matters. This motion also passed unanimously.

**(F) Report of the Executive Director and Staff:**

**(1) Statistics Report: 10/13/2010**

**Registrations:**

Number of Registered Contractors	11538
Number of Cards Surrendered	5235
Number of Cards Expired/Lapsed	15588
Number of Cards Invalidated	1020
Number of Cards Suspended	469
Number of Cards Revoked	88

## Registration Actions

09/08/2010

-10/13/2010

Number of New Registered Contractors	100		
Number of Renewed Contractors	11438		
Number of Cards Surrendered	39		
Registrations Invalidated	36	Registrations Suspended	8
Registrations Revoked	1		

### Claims:

Administrative Appeals	6		
Board Appeals	7		
Address Trace	126		
Awaiting Further Action	44		
	Court		
	564		
Disposed	5983		
Final Orders	51		
Hearings	61		
Out of State Services	24	Proposed Orders	82
Under Investigation			121
Total Claims Filed with the Board	7039		
Number of New Claims Processed	30		

**09/08/2010-10/13/2010**

**Violations:**

<b>Action Against Registration</b>	<b>20</b>
<b>Advertising</b>	<b>5</b>
<b>Non-Registered Subcontractors</b>	<b>16</b>
<b>Cancelled Insurance</b>	<b>1321</b>
<b>Notice of Hearing</b>	<b>4</b>
<b>Non-Registered Contractors</b>	<b>803</b>
<b>TOTAL RECORDS</b>	<b>2169</b>

**Number of New Violations**      **105**

**09/08/2010-10/13/2010**

**Lapsed Registrations/Never Re-Newed:**

<b>September</b>	<b>2009</b>
<b>105</b>	
<b>October</b>	<b>2009</b>
<b>107</b>	
<b>November</b>	<b>2009</b>
<b>93</b>	
<b>December</b>	<b>2009</b>
<b>97</b>	
<b>January</b>	<b>2010</b>

100		
	February	2010
124		
	March	2010
141		
	April	2010
157		
	May	2010
161		
	June	2010
174		
	July	2010
156		
	August	2010
158		
	September	2010
149		

Month	# Tickets Issued
Fines	

January	0
\$ .00	
February	3
\$1,750.00	
March	3

**\$1,000.00**

**April 1**

**\$ 250.00**

**May 4**

**\$1,350.00**

**June 10**

**\$3,400.00**

**July 7**

**\$2,700.00**

**August 6**

**\$1,700.00**

**September 3**

**\$ 600.00**

**Commercial Roofers: 10/13/2010**

**Number registered 131**

**Number surrendered 15**

**Number invalidated 50**

**Number suspended 1**

**Number revoked 0**

**Pending approval 0**

**Registration Actions; 09/08/2010-10/13/2010**

**Number of New Registered Contractors 0**

**Number of Renewed Roofer Contractors      129**

**Number of Cards Surrendered              0**

**Number of Expired/Lapsed                0**

**Registrations Invalidated                0**

**Registrations Suspended                0**

**Registrations Revoked                0**

**(G) Old Business:**

**(1.) Review of regulations, laws and standards, established by sub-committee, report of committees and progress. No meetings on matter and no further progress.**

**(H) New Business:**

**(1.) Budget: Restricted receipt account will be utilized to purchase new equipment.**

**(2.) Computer Software Program Update on Progress (DBR), CAVU; Board**

**has been proceeding and making progress on the mapping of the charts**

**and the registration process. Awaiting finalization of the charts and then**

**hopefully programming can begin. Sill awaiting CAVU to finalize final charts.**

**(3.) Retention Schedule; Legal counsel will address at a later**

**date.**

**(4.) Appointments; No new appointments made yet by the Governor, currently only one member, the chair has a current appointment.**

**(I) Public Comment: None**

**(J) Announcements: The next Board meeting is scheduled for Wednesday**

**November 10, 2010 at 12:30 PM Conference Room "A", 2nd**

**Floor, One Capitol Hill; Robert Cardoza**

**(K) Adjournment: A motion was made by Edgar Ladouceur and seconded by Felix**

**Carlone to adjourn at 3:10 PM.**

**Members Present: D. Caldwell, A. Salisbury, Felix Carlone, S. Carlino, W. Nash,**

**R. Welch, E. Ladouceur, Paul Brunetti & JL Brillon.**

**Members Absent: B. Calcagni and E. Anderson, both who have resigned from the Board**

**and positions are pending new appointments.**



**R. Caniglia**

**R.Cardozo, T. Furey & S. Gianlorenzo.**

**Others Present: George Whalen (Executive Director), Christy Hetherington (Attorney Generals Office, legal counsel), stenographer, staff and parties for appeals and motions.**

**Respectfully Submitted,**

**George W. Whalen**

**Executive Director**

**Rhode Island Contractors' Registration and Licensing Board**